

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

AILERON INVESTMENT
MANAGEMENT, LLC,

Plaintiff,

v.

Case No.: 8:21-cv-146-MSS-AAS

AMERICAN LENDING CENTER,
LLC,

Defendants.

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ORDER

On August 30, 2021, the court held a discovery hearing on Aileron Investment Management, LLC's (Aileron) motion to compel American Lending Center, LLC (ALC) to answer interrogatories and produce documents (Doc. 28; with response at Doc. 31).¹ *See also* (Doc. 44) (minute entry). As stated on the record, the following is **ORDERED**:

1. Aileron's Motion to Compel is **GRANTED in part** and **DENIED in part** as follows:
 - a. Aileron's motion to compel the production of documents responsive to Request for Production No. 1 is **DENIED as**

¹ The court also heard argument on ALC's Motion to Enlarge Its Expert Disclosure Deadline. (Doc. 37). A separate order addresses that motion. (Doc. 46).

moot because ALC agreed to satisfy this Request For Production during a phone conference conducted prior to this hearing. (Doc. 41).

- b. Aileron's motion to compel the production of documents responsive to Requests for Production Nos. 2–5 is **GRANTED in part**. ALC must produce documents responsive to Request For Production Nos. 2–5 for the narrowed date range January 1, 2014 and December 31, 2020. Any privileged information responsive to Request For Production No. 4 may be redacted and appropriately described on a privilege log.
- c. Aileron's motion to compel the production of documents responsive to Request for Production No. 6 is **DENIED as moot** because ALC agreed to satisfy this Request For Production during a phone conference conducted prior to this hearing. (Doc. 41).
- d. Aileron's motion to compel the production of documents responsive to Request for Production No. 7 is **GRANTED in part**. ALC must produce documents responsive to Request For Production No. 7 for the narrowed date range January

1, 2014 and December 31, 2020.

- e. Aileron's motion to compel the production of documents responsive to Request for Production No. 8 is **DENIED**.
- f. Aileron's motion to compel the production of documents responsive to Requests for Production Nos. 9–10 is **GRANTED in part**. ALC must produce documents responsive to Request For Production Nos. 9–10 for the narrowed date range January 1, 2014 and December 31, 2020.
- g. Aileron's motion to compel the production of documents responsive to Request for Production No. 11 is **GRANTED**.
- h. Aileron's motion to compel the production of documents responsive to Request for Production Nos. 12–13 is **GRANTED in part**. Counsel for ALC stated ALC has no additional documents responsive to these Requests For Production. Nevertheless, ALC must search for and produce all formal promotional materials sent to customers, borrowers, investors, or third parties identifying Silver Hawk, AIM, or Aileron between January 1, 2014 and November 1, 2020.

- i. Aileron's motion to compel the production of documents responsive to Request for Production Nos. 14–16 is **GRANTED**. Counsel for ALC stated ALC has no responsive documents for these Requests For Production that have not already been produced to Aileron. Nevertheless, ALC must search for and produce all responsive documents.
- j. Aileron's motion to compel the production of documents responsive to Request for Production Nos. 17–20 is **GRANTED in part**. ALC must produce all communications and documents between ALC and the central communicator(s) from Justin Guerra's law firm, the Bush Ross law firm, Perlman Bajandas law firm, or Justin Dees's law firm in connection with the underlying litigation. Any privileged information responsive to Requests For Production Nos. 17–20 may be redacted and listed in a privilege log.
- k. Aileron's motion to compel the production of documents responsive to Request for Production Nos. 21–22 is **GRANTED**. Counsel for ALC stated ALC has no additional documents responsive to these Requests For Production.

Nevertheless, ALC must search for and produce all responsive, non-privileged documents. Any privileged communications responsive to Request for Production Nos. 21–22 may be redacted and listed in a privilege log.

- l. Aileron’s motion to compel the production of documents responsive to Request for Production No. 23 is **GRANTED**. Counsel for ALC stated ALC has only one responsive document, a screenshot of a web page. Nevertheless, ALC must search for and produce all responsive documents.
- m. Aileron’s motion to compel the production of documents responsive to Request for Production No. 24–25 is **DENIED as moot** in light of the ruling granting the motion to compel the production of documents responsive to Request for Production Nos. 2–5.
- n. Aileron’s motion to compel the production of documents responsive to Request for Production Nos. 26–28 is **GRANTED**. Counsel for ALC stated ALC has no additional documents responsive to these Requests For Production. Nevertheless, ALC must search for and produce all responsive documents.

- o. Aileron's motion to compel the production of documents responsive to Request for Production No. 29 is **GRANTED in part**. ALC must produce any agreements between Live Oak Bank and ALC regarding loan premiums and origination fees for the narrowed date range of June 1, 2018 and December 31, 2020.
- p. Aileron's motion to compel the production of documents responsive to Request for Production No. 30 is **GRANTED** for the narrowed date range of June 1, 2018 and December 31, 2020.
- q. Aileron's motion to compel the production of documents responsive to Request for Production No. 31 is **DENIED as moot**, as the request is encompassed by Aileron's Request For Production Nos. 17–20.
- r. Aileron's motion to compel the production of documents responsive to Request for Production No. 32 is **GRANTED**.
- s. Aileron's motion to compel the production of documents responsive to Request for Production Nos. 33–34 is **DENIED**.
- t. Aileron's motion to compel the production of documents

responsive to Request for Production No. 35 is **GRANTED**.

- u. Aileron's motion to compel the production of documents responsive to Request for Production No. 45 is **GRANTED**. Any responsive privileged information may be redacted and listed in a privilege log.
- v. Aileron's motion to compel the production of documents responsive to Request for Production No. 46 is **GRANTED in part**. ALC must produce any communications and documents referencing or discussing ALC's decision to stop making monthly payments to AIM between January 1, 2014 and December 31, 2020. Any responsive privilege information may be redacted and listed in a privilege log. This order, however, does not extend to any legal advice rendered by counsel for ALC in relation to this current action and those communications need not be included on the privilege log.
- w. Aileron's motion to compel ALC to answer Interrogatory 1 is **DENIED**.
- x. Aileron's motion to compel ALC to answer Interrogatories 3–8 is **GRANTED**.

2. By 5 p.m. on September 4, 2021, the parties must agree to a set of custodians and search terms for the purposes of satisfying the permitted document requests. By 5 p.m. on September 10, 2021, the parties must submit to the court a timeframe of when documents will be produced. If the parties cannot agree on a reasonable timeframe, the parties must promptly file a joint notice outlining both sides' positions on the disagreement.
3. Each party will bear their own costs on Aileron's Motion to Compel.
See Fed. R. Civ. P. 37(a)(5)(C).

ENTERED in Tampa, Florida, on September 1, 2021.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge